

EXHIBIT 4

**GREGORY THOMAS BERRY,
SUMMER DARBONNE,
RICKEY MILLEN, SHAMOON SAEED,
ARTHUR B. HERNANDEZ, ERIKA A.
GODFREY, and TIMOTHY OTTEN, *on
behalf of themselves and others similarly
situated,***

V.

The Honorable James R. Spencer

Defendants.

U. S. Court of Appeals for the Fourth Circuit
Richmond, Virginia
September 2, 1980

U. S. District Court for the Western District of Virginia
Roanoke, Virginia

U. S. District Court for the Eastern District of Virginia
Richmond, Virginia
December 30, 1976

U. S. Bankruptcy Court for the Eastern District of Virginia
Richmond, Virginia
November, 1997.

3. I am a 1971 graduate of Hampden-Sydney College and a 1976 graduate of the T. C. Williams School of Law of the University of Richmond, Virginia. I am a member of the Virginia State Bar, the Virginia Trial Lawyers Association, the Virginia Bar Association, the National Association of Consumer Advocates, and the Petersburg Bar Association, of which I am a past President. I am a member of the Council of the Virginia State Bar, the State Bar's governing body, serving in my third term as the elected representative of the Eleventh Judicial Circuit. I am a member of the Board of Governors of the Virginia Trial Lawyers Association, and I chair the VTLA's Consumer Law Section. I serve as the President of the Board of Directors of the Legal Services Corporation of Virginia, which provides funding for programs offering civil legal assistance to low-income Virginians.

4. From February 1, 1977 until September 13, 1996, I was employed by Southside Virginia Legal Services, in Petersburg, Virginia, as its General Counsel (Chief Executive Officer). My caseload at Southside Virginia Legal Services evolved over the years into a primarily consumer law practice.

5. From September 16, 1996, until the present, I have maintained a private law practice with an office located in Petersburg. My work in private practice is limited almost exclusively to the representation of consumers, with particular emphasis on representing

consumer debtors under the Fair Debt Collections Practices Act. I have a statewide consumer law practice, and have represented consumers from all regions of the Commonwealth and elsewhere.

6. I was a contributing editor to the consumer law sections of Virginia Practice Manual, a practice manual for Legal Aid lawyers in Virginia, and for private lawyers handling cases under the auspices of *pro bono* initiatives in Virginia.

7. Pleadings and discovery from many of my consumer law cases appear in the National Consumer Law Center's Consumer Law Pleadings, nationally distributed form books of consumer law pleadings, beginning in 1994. Pleadings and discovery from my cases appear in Books 1, 2, 5, 6, 7, 10, and 11.

8. I have given at least seventy lectures to lawyers that qualified for continuing legal education credit.

9. I have made two presentations on consumer protection law and litigation to Virginia's General District Court judges at the Judicial Conference of Virginia for General District Court judges, one in 1987 on consumer protection laws generally and one in 2008 on arbitration in consumer financial services cases.

10. I have given a number of lectures to professional groups on consumer law issues, including:

Fair Debt Collections Practices Act	Working With Military Clients, Military Law Section of the Virginia State Bar, Williamsburg, Virginia	October 18, 2013
How the Consumer Bar Views FDCPA Compliance by Collection Attorneys	National Association of Retail Collection Attorneys Fall Collection Conference, Washington,	October 17, 2013

DC

Making the Bad Guys Pay	Virginia Poverty Law Center, Richmond	May 9, 2013
FDCPA: Ask the Experts	National Association of Consumer Advocates Fair Debt Collection Training Conference, Baltimore	March 8, 2013
FDCPA Update	JAG School, Charlottesville	December 11, 2012
Fair Debt Collections Practices Act	VA CLE, Charlottesville, VA	September, 2012
FDCPA	ABA Standing Committee on Legal Assistance to Military Personnel, George Mason University Law School	March 15, 2012
Fair Debt Collections Practices Act	Ft. Lee Legal Assistance Division JAG Office CLE	May 5, 2011
Debt Collection: Protecting Consumers in Debt Collection and Arbitration	Federal Trade Commission Roundtable, Washington, DC	December 4, 2009
Handling Fair Debt Collections Practices Act Cases	65 th Legal Assistance Course, The Judge Advocate General's Legal Center and School, Charlottesville	November 16, 2009
Handling Fair Debt Collections Practices Act Cases	VPLC Statewide Legal Aid Conference, Williamsburg	November 5, 2009

Challenging Predatory Small Loans	National Consumer Law Center Consumer Rights Litigation Conference, Philadelphia	October 23, 2009
The Fair Debt Collections Practices Act: Update 2009	VA CLE Webinar	September, 2009
Handling Fair Debt Collections Practices Act Cases	2009 Mid-Atlantic Joint Services Consumer Law Symposium, Naval Legal Service Office Mid-Atlantic Legal Assistance Department, Norfolk	June 12, 2009
Handling Fair Debt Collections Practices Act Cases	64 th Legal Assistance Course, The Judge Advocate General's Legal Center and School, Charlottesville	April 2, 2009
Defending Consumers in Medical Debt Collection Cases	National Consumer Law Center's Consumer Rights Litigation Conference in Portland, Oregon	October, 2008
Combating Consumer Issues Facing the Military, FDCPA Cases	Consumer Law Intensive for Military Personnel Advocates, National Consumer Law Center's Consumer Rights Litigation Conference in Portland, Oregon	October, 2008
Issues in Arbitration Cases	Judicial Conference of Virginia for District Court Judges, Virginia Beach	August 13, 2008

A Perfect Storm – The Intersection of the FDCPA and the FCRA in Debt Collection Harassment Cases	Virginia CLE Solo and Small Firm Institute, Williamsburg	May 13, 2008
Defending Debt Collection Suits	National Consumer Rights Litigation Conference, Washington, D.C.	November 11, 2007
Emerging Issues in Debt Collection Abuse & False Credit Reporting	Virginia Trial Lawyers Association Solo & Small Firm Conference, Richmond	October 19, 2007
Collecting Consumer Debts: The Challenges of Change. Concerns About Debt Collection: The Consumer's Perspective	Federal Trade Commission, Washington, D.C.	October 10, 2007
The Fair Debt Collections Practices Act (Including 2006 Amendments)	Virginia CLE	September 24, 2007
Fair Debt Collections Practices Act	Naval Legal Service Office Mid-Atlantic Joint Services Consumer Law Symposium, Norfolk	May 11, 2007
How to Win (or Not Lose) an Arbitration	National Consumer Rights Litigation Conference Miami, Florida	November 11, 2006
Consumer Debt Collection	59 th Legal Assistance Course The Judge Advocate's School Charlottesville	November 2, 2006
Consumer Credit: Remedies You Should be Aware of	Virginia Trial Lawyers Association	October 20, 2006

	Solo & Small Firm Conference, Williamsburg	
Collection Law From Start to Finish (Presentation on the FDCPA)	National Business Institute Richmond	October 10, 2006
Overview of the Fair Debt Collections Practices Act	Framme Law Firm, Richmond	June 23, 2006
Fair Debt Collection Practices Act	Naval Justice School Newport, Rhode Island	May 22 , 2006
Fair Debt Collection Practices Act – Essential Tips for Both Debtors and Creditors	Virginia CLE - 4 th Annual Advanced Consumer Bankruptcy, Richmond	April 28, 2006
Fair Debt Collection Practices Act	3 rd Annual Naval Legal Service Office, Mid- Atlantic, Auto Fraud Symposium, Norfolk	April 12, 2006
What the Virginia Lawyer Must Know about Consumer Protection	Solo and Small Firm Conference – Virginia Trial Lawyers Association, Charlottesville	September 30, 2005
Points to Consider if You are Going to Arbitration	National Consumer Law Center's 13 th Annual Consumer Rights Litigation Conference	November 7, 2004
Protecting Your Client's Consumer Rights – Fair Debt Collections Practices Act	Virginia CLE - Richmond and Tysons Corner	April 21 and 22, 2004

Fair Debt Collections Practices Act Training Conference – Practice Issues	National Consumer Law Center and National Association of Consumer Advocates, Kansas City	February 22, 2004
Fair Debt Collections Practices Act	Henrico County Bar Association and Virginia Creditor’s Bar Association, Richmond	February 19, 2004
Using Experts in Automobile Sale Wreck Damage Cases	IVAN Diminished Value Conference, Chesapeake	January 31, 2004
Consumer Law: Everything You Need to Know to be an Expert in Handling the Latest in Consumer Cases	First Annual Solo and Small Firm Conference – Virginia Trial Lawyers Association, Charlottesville	October 10, 2003
Points To Consider If You Are Going To Arbitration	Virginia Women Attorney’s Association, Southside Chapter, Petersburg	July 31, 2003
Fair Debt Collection Practices Act	Virginia CLE, First Advanced Consumer Bankruptcy Conference	May 2, 2003
Fair Debt Collection Practices Act Fair Credit Reporting Act	Naval Justice School Newport, Rhode Island	April 3, 2003
Overview of the Fair Debt Collections Practices Act	Framme Law Firm, Richmond	December 17 & 18, 2002
Arbitrating: Who’s Afraid of the Big Bad Wolf?	National Consumer Law Center Consumer Rights Litigation Conference, Atlanta	October 26, 2002
Mobile Home Litigation Issues	National Consumer Law Center Consumer Rights	October 25, 2002

	Litigation Conference, Atlanta	
Settlement Agreements and Confidentiality Issues: Recent Cases in the News and the Problems News Attention Can Create	Virginia Trial Lawyers Association Fall Fiesta, Richmond	September 28, 2002
Practice Pointers Roundtable	Virginia Trial Lawyers Association Fall Fiesta, Richmond	September 27, 2002
Arbitration and Beyond: What to Do If You Are Forced Into Arbitration and What Happens After the Arbitral Award	Virginia Trial Lawyers Association Fall Fiesta, Richmond	September 27, 2002
Fair Debt Collection	ABA Standing Committee on Legal Assistance for Military Personnel Legal Assistance Symposium, Quantico	August 15, 2002
Practical Applications of Consumer Protection Laws for the General Practitioner – Part II	Virginia Women Attorneys Association, Southside Chapter, Petersburg	June 27, 2002
Practical Applications of Consumer Protection Laws for the General Practitioner – Part I	Virginia Women Attorneys Association, Southside Chapter, Petersburg	April 25, 2002
Federal Court-Fun & Easy	Annual Statewide Legal Aid Conference, Virginia Beach	November 1, 2001
FDCPA Compliance for the Virginia Practitioner	National Business Institute CLE for Virginia Lawyers, Richmond	October 11, 2001

Use of Magnuson-Moss Warranty Act in the Recovery of Attorney's Fees	Virginia Trial Lawyers Association Fiesta 3, Richmond	September 28, 2001
Credit Reporting Abuse	Petersburg Kiwanis Breakfast Club, Petersburg	September 18, 2001
A Consumer Lawyer's Perspective on Mobile Home Transactions	Virginia Manufactured Housing Association, Virginia Beach	August 8, 2001
Debt Collection Harassment, Credit Reporting Abuse, Home Solicitation Sales, Fraud.	Elder Law Day	May 11, 2001
Truth in Lending Act and Title Issues in Car Sales	VA Independent Automobile Dealers Association, District 1 Dinner Meeting, Virginia Beach, Virginia	April 11, 2001
What Do These Attorneys Know About The Used Car Business That You Don't?	VA Independent Automobile Dealers Association, District 2 Dinner Meeting, Richmond, Virginia	January 30, 2001
Mobile Home Litigation Issues	National Consumer Law Center Consumer Rights Conference	October 28, 2000
Update on the Fair Debt Collection Practices Act	Virginia CLE®	July 12 and 19, 2000
Consumer Privacy in the Electronic Age	The Bar Association of the City of Richmond	May 31, 2000
Consumer Law Update for Virginia Practitioners, Fair Debt Collection Practices Act.	Virginia CLE®	December 7 and 8, 1999

Recent Developments in Fair Debt Collection, With an Emphasis on the Fourth Circuit	Annual Statewide Legal Aid Conference	November 3, 1999
Recent Developments in Fair Debt Collection	The Bankruptcy Section of the Bar Association of the City of Richmond	October 26, 1999
Consumer Law Seminar	Office of the Staff Judge Advocate, Ft. Eustis, Virginia	August 27, 1999
Automobile Fraud and Financing Issues	Annual Statewide Legal Aid Conference	November 11, 1998
Consumer Law for Support Staff	Annual Statewide Legal Aid Conference	November 11, 1998
First Day in Practice (Topic: Consumer Law Practice)	Virginia State Bar	November 3, 1998
Complying with the Fair Debt Collection Practices Act in Virginia	National Business Institute CLE for Virginia Lawyers	September 9, 1998
Basic Overview of Several Consumer Protection Laws Available to Assist Victims of Consumer Fraud and Abuse	Charlottesville-Albemarle Bar Association Bankruptcy/Creditors' Rights Committee	February 10, 1998
Overview of Consumer Law for Support Staff	Annual Statewide Legal Aid Conference	November 6, 1997
The Fair Debt Collection Practices Act	Annual Statewide Legal Aid Conference	November 6, 1997
Recent Developments under the Fair Debt Collection Practices Act	Virginia Creditor's Bar Association	September 25, 1997

Fair Debt Collection Practices Act	10 th Circuit Bar Association	April 23, 1997
Complying With the Fair Debt Collection Practices Act in Virginia	National Business Institute CLE for Virginia Lawyers	February 11, 1997
Handling Repossession Cases (gave segment on odometer law)	Virginia Legal Services Consumer Law Task Force	
State and Federal Consumer Protection Statutes Frequently Applicable to General District Court Cases	Judicial Conference of Virginia General District Court Judges	April 29, 1989
Everything Under the Sun You Ever Wanted to Know About Handling Home Improvement Cases	Elderly Law Task Force of Virginia Legal Services Programs	
Consumer Law for Non Consumer Lawyers	Virginia Legal Services Attorneys	
Handling Home Improvement Cases	Consumer Law Training for Virginia Legal Services Attorneys	

11. The Summer 2006 edition of *The Journal of the Virginia Trial Lawyers Association*, included “Disputing Home Loan Servicing Abuse Through RESPA,” an article that I prepared for that publication.

12. From 2001 through 2010, I prepared annual reports on Virginia law for the American Bar Association’s *Survey of State Class Action Law*.

13. I was Section Chairman and Program Moderator for a Virginia Trial Lawyers Association Consumer Law Seminar entitled “Keeping the Big Boys Honest,” that took place on

April 25, 1997, and covered the Fair Debt Collection Practices Act, the Fair Credit Reporting Act, Consumer Class Actions, Motor Vehicle Litigation, and Recovering Attorney's Fees in Consumer Litigation. I was Program Chair for the Consumer Law portion of the VTLA's February Fiesta CLE that took place in Williamsburg in February, 2000. I was a presenter on Mobile Home Sales, and in a Consumer Law Practice Roundtable. I was Program Chair for the Consumer Law portion of the VTLA's Fall Fiesta that took place in Williamsburg on October 14 and 15, 2000, and was a presenter on Emerging Issues in Mobile Home Sales Fraud. I was program Chair for the Consumer Law portion of the VTLA's Fiesta 3 that took place in Richmond on September 28 and 29, 2001, and was a presenter on "Use of the Magnuson-Moss Warranty Act to Recover Attorney's Fees." I was program Chair for the Consumer Law portion of the VTLA's Fiesta 2002 that took place in Richmond on September 27 and 28, 2002, and was a presenter on "Settlement Agreements and Confidentiality Issues: Recent Cases in the News and the Problems News Attention Can Create," "Arbitration and Beyond: What to Do If You Are Forced Into Arbitration and What Happens After the Arbitral Award," and a roundtable participant in a "Practice Pointers Roundtable."

14. I have been involved in many consumer cases involving a range of consumer protection laws, with an emphasis on the Fair Debt Collection Practices Act. Fair Debt Collection Practices Act cases that I have handled alone or co-counseled with others include Withers v. Eveland, 988 F. Supp. 942 (E.D. Va. 1997); *Creighton v. Emporia Credit Service, Inc.*, 981 F. Supp. 411 (E.D. Va. 1997); *Morgan v. Credit Adjustment Board*, 999 F. Supp. 803 (E.D. Va. 1998); *Talbott v. GC Services Limited Partnership*, 53 F. Supp. 2d 846 (W.D. Va. 1999); *Talbott v. GC Services Limited Partnership*, 191 F.R.D. 99 (W.D. Va. 2000); *Woodard v. Online Information Servs.*, 191 F.R.D. 502 (E.D.N.C., Jan. 19, 2000); *Jones v. Robert Vest*, 2000

U.S. Dist. LEXIS 18413 (E.D. Va. 2000); *Kelly v. Jormandy*, 2005 U.S. Dist. Lexis 29901 (W.D. Va. 2005); *Turner v. Shenandoah Legal Group, P.C.*, 2006 U.S. Dist. LEXIS 39341 (E.D.Va., June 12, 2006); *Karnette v. Wolpoff & Abramson L.L.C.*, 2006 U.S. Dist. LEXIS 53382 (E.D. Va. Aug. 2, 2006); *Croy v. E. Hall & Associates, P.L.L.C.*, 2007 U.S. Dist. LEXIS 14830 (W.D. Va. 2007); *Karnette v. Wolpoff & Abramson, L.L.P.*, 2007 U.S. Dist. LEXIS 20794 (E.D. Va. March 23, 2007); *Bicking v. Law Offices of Rubenstein and Cogan*, 783 F. Supp. 2d at 841v (E.D. Va. 2011); *Goodrow v. Friedman & MacFadyen, P.A.*, 788 F. Supp. 2d 464 (E.D. Va. 2011); and *Goodrow v. Friedman & MacFadyen, P.A.*, 2013 U.S. Dist. LEXIS 105395 (E.D. Va. July 26, 2013). I was one of several lawyers representing plaintiff classes in a Multidistrict FDCPA class action, styled *In Re Dun & Bradstreet, Inc. Debt Collection Practices Litigation*, MDL #1198. The cases, originally transferred by the Judicial Panel on Multidistrict Litigation to the Western District of Virginia, Danville Division, for consolidated pretrial proceedings, were centralized before the Northern District of Illinois for purposes of finalizing settlement. Classes were certified by Judges Kiser and Boyle in the *Talbott* and *Woodard* cases. Judge Wilson certified a class in *Gansauer v. Transworld Systems, Inc.*, Civil Action No. 7:00cv00931, a case under the Fair Debt Collections Practices Act. Judge Conrad certified a class in *Kashani v. Integrity Collections*, Civil Action No. 5:06cv73, a case under the Fair Debt Collections Practices Act. Judge Payne certified a class in *Karnette*. Judge Hudson certified a class in *Bicking*.

15. I served as Special Master in the case styled *Silva v. Haynes Furniture Company, Inc.*, Civil Action No. 4:04cv082, E.D.Va., an ECOA/FCRA class action, having been appointed by Judge Kelley on January 27, 2006.

16. On November 9, 2007, I received the 2007 Consumer Attorney of the Year Award from the National Association of Consumer Advocates at its Annual Meeting in Washington, D.C. On October 21, 2010, I received the *Virginia Lawyers Weekly* “Leader in the Law 2010” award. On November 4, 2010, I received the Virginia Poverty Law Center’s John Kent Shumate, Jr. Advocate of the Year Award, in recognition of my having made a significant impact in advocating for low-income Virginia residents. The Virginia Trial Lawyers Association will recognize me as only the fifth recipient of its Oliver White Hill Courageous Advocate Award at the VTLA's 2014 annual convention next March, an award periodically presented to an advocate who has demonstrated courage and commitment to the ideals of justice in representing an individual or cause at considerable personal risk. I have been selected to Virginia Super Lawyers 2011, 2012 and 2013.

17. Less than a handful of Virginia attorneys are willing to accept consumer cases because of the special expertise required and the risk of nonpayment. I request attorney’s fees at the rate of \$425.00 per hour. I believe that the amount requested is reasonable, and that it is less than the rates being charged by many attorneys of similar experience and expertise in Virginia’s federal and state courts.

18. My standard hourly billing rate is \$425.00. That is the rate I charge clients for representation in consumer cases. I increased my hourly rate from \$375 to \$425 early in the fall of 2008, and have maintained it at \$425 since that time.

19. More recently, my current \$425 hourly rate was approved by Judge Lauck in *Randle v. H&P Capital, Inc.*, No. 3:09cv608, 2010 U.S. Dist. LEXIS 74994 (E.D. Va. July 21, 2010), adopted in part by Judge Payne, 2010 U.S. Dist. LEXIS 101509 (E.D. Va. Sept. 23,

2010); affirmed in part and appeal dismissed in part by Randle v. H&P Capital, Inc., 2013 U.S. App. LEXIS 4506 (4th Cir. Va., Mar. 5, 2013).

20. My caseload consists almost exclusively of consumer protection matters on behalf of consumers, with a heavy emphasis on cases under the Fair Debt Collections Practices Act. I undertake representation in most cases with the expectation of being paid a contingency amount from the proceeds of recovery, or being paid based on an award of fees pursuant to a fee shifting statute such as the FDCPA. I also represent many consumers on the basis of fees paid to me directly by the individual clients. In those cases, the rate of compensation that I require for my services is based on the hourly rate of \$425.00.

21. I am able to bill at \$425.00 per hour because I have over thirty-five years experience as a consumer protection lawyer. Hardly any other attorneys in Virginia have such extensive experience representing consumers, and I know of no other lawyer in Virginia whose practice is limited to a consumer law practice aimed heavily at the FDCPA.

22. I have extensive experience in cases brought under the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, et. seq. (the “FDCPA”). I routinely represent plaintiffs in cases brought in the Eastern District of Virginia under the FDCPA. I have been involved in many cases involving requests for attorneys’ fees under the FDCPA and am familiar with the rates charged by both plaintiffs’ and defense attorneys in this region. My knowledge of the prevailing rates in this region comes from a variety of sources, including my own personal experience requesting, or opposing requests for, attorneys’ fees, discussions with other attorneys, advertised rates, case decisions and other publications. I have had an opportunity to survey the current hourly rates charged in this District and Division, as well as in the consumer protection field. My current billing rate is \$425 per hour. Given the specific knowledge I have as to hourly rates

charged and approved in this District and Division, I am comfortable stating that the average hourly rates for federal litigation attorneys in this District and Division range between \$300 and at least \$600.

23. I became involved in this matter in 2005, when William Joseph Graham ("Mr. Graham") sought my assistance with regard to scattershot debt collection activity from multiple creditors and debt collectors that had begun targeting him for debts that he did not owe and that were not his.¹

24. Beginning in 2005, Mr. Graham became the victim of debt collection targeting him by what became a large number of debt collectors and creditors, including among the creditors Southside Regional Medical Center in Petersburg, attempting to collect the debts of another person, a "Joseph Graham," who my investigation indicated to have resided in Petersburg, and whose Social Security number I found to be similar to that of Mr. Graham.

25. As my assistance to Mr. Graham progressed, it became apparent that his situation involved more than simply misconduct by debt collectors. Information on Mr. Graham was being gathered and disseminated by some source with the result that he was becoming the target over and over of misdirected debt collection activity.

26. After assisting Mr. Graham with a series of false collection campaigns directed at him, my investigation indicated that he was being placed in the crosshairs of creditors and debt collectors as the result of false information being reported as to him on "Accurint" branded reports that had merged certain of Mr. Graham's personal identifiers with those of others.

¹ Mr. Graham has never been a proper target of the debt collection activity that has plagued him. He is employed as the Curator of Architecture for the Colonial Williamsburg Foundation. Mr. Graham is an internationally recognized architectural historian. He pays his debts, having historically maintained a pristine credit reputation. He has consistently been targeted by debt collectors attempting to collect debts owed or asserted to be owed by others.

27. In 2009, I was retained by Crystal Myrick, an Emporia elementary school teacher, who, like Mr. Graham, was being dunned for the medical debt of a stranger with a similar name. Like Mr. Graham, Ms. Myrick repeatedly told both creditor and debt collector that she was being dunned for an account that was not hers, for services that were not rendered to her, and for debt that was not her responsibility.

28. Nevertheless, both creditor and debt collector continued to demand payment from Ms. Myrick for the debt of another person.

29. My investigation found that Ms. Myrick, like Mr. Graham, had become the target of a collection campaign based on the inaccurate contents of an "Accurint" branded report obtained by a debt collector, the contents of which report formed the basis of the collector's inaccurate belief that Ms. Myrick owed money on a medical services account that was not hers.

30. Thereafter, Mr. Graham and Ms. Myrick filed *Graham and Myrick v. LexisNexis Risk & Information Analytics Management Group, Inc.*, Civil Action No. 3:09cv655, ("*Graham*") in this Court raising claims similar to Plaintiffs' claims here. I represented Plaintiffs and the class in this case, along with Consumer Litigation Associates and Cadell & Chapman.

31. As part of venue transfer motion practice, Mr. Graham filed a declaration in *Graham*, describing in considerable detail the ordeal faced by him up through the January 20, 2010 filing of that declaration. I actively assisted Mr. Graham throughout the time period and circumstances described in his declaration.

32. Mr. Graham's declaration describes the four lawsuits that he has filed as the result of his having been targeted by debt collectors seeking to collect debts that were never owed by Mr. Graham and there were in no way even remotely connected to Mr. Graham. His declaration similarly describes the total of thirteen third-party debt collectors who had, through the date of

his declaration, attempted to collect consumer debts from Mr. Graham, which debts were not his.

33. Mr. Graham has continued to be targeted by an expanding number of third party debt collectors since January 20, 2010, having received what appear to be form dunning correspondence at his home address as recently as November 18, 2013. I have continued to monitor Mr. Graham's situation and advise him on what is certainly continued dunning arising from a history of the merger of identifier information on Mr. Graham being merged with that of others on Accurint branded reports.

34. Ms. Myrick also filed a declaration in *Graham*, Document 54-18, filed January 20, 2010. Her declaration describes in considerable detail the misdirected attempts by her local hospital and its debt collector to collect from her debt that was owed or asserted to be owed by a stranger.

35. Also in 2009, Cynthia Claiborne was referred to me by another local lawyer.

36. As is described by her in a Declaration filed in the *Graham* case, Document 54-19, Ms. Claiborne was improperly garnished for the hospital debt of a similarly named individual. In her declaration, at Paragraph 18, Ms. Claiborne asserts her belief that she was the target of an improper wage garnishment as the result of the use by debt collector for the hospital creditor of an "Accurint" branded report that incorrectly linked her information to the subject hospital collection account.

37. During the *Graham* litigation, Plaintiffs' counsel conducted formal and informal third party discovery directed at both lawyer and non lawyer debt collection entities in order to determine the nature and extent of their use of "Accurint" branded reporting information during the course of their collection activities. I handled or coordinated the majority of that work during the course of the *Graham* litigation, as part of the effort by the law firms representing Plaintiffs

through the history of litigation leading to and culminating in this case to coordinate our work to avoid duplication of effort.

38. Similarly with respect to the coordination of work in a manner to maintain efficiency and avoid unnecessary duplication, I attended the July 30 mediation in Oakland with Randy Wulff, but I did not attend other mediation meetings described elsewhere in today's submissions.

39. My estimated lodestar is \$194,122.50. My expenses are \$7,203.41. This comes to a total of \$201,325.91.

I declare under penalty of perjury of the laws of the United States that the foregoing is correct.

Signed this 22nd day of November, 2013.

/s/ Dale W. Pittman
By: Dale W. Pittman, VSB#15673
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